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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN WRIGHT,

Defendant.

Case No.: 2:08-cr-178-PMP-RJJ

**UNITED STATES' MOTION
TO AMEND JUDGMENT**

The United States, by and through the undersigned, respectfully moves the Court, pursuant to Federal Rule of Criminal Procedure Rules 35 & 36, to amend the Judgment in the above-captioned matter.

Points and Authorities

On November 18, 2010, the Court sentenced the defendant. The sentence included restitution in the amount of \$775,368.00 to Wells Fargo Bank ("WFB"). Defendant was also sentenced to a term of incarceration which he has completed. Shortly after defendant's release, he reached out to the undersigned and asked the government to look into his restitution obligation. Defendant represented that he had paid restitution to WFB in a civil suit arising out of the same factual allegations as defendant's criminal case. The government contacted defendant's counsel, Travis Shetler, and obtained permission to work with defendant directly.

1 The undersigned contacted one of the attorneys that represented WFB in the civil suit.
2 Based upon conversations with and documents provided by WFB's counsel, the government
3 learned the following:

- 4 1. The civil charges were settled with restitution obligations imposed upon
5 defendant.
- 6 2. Defendant made payments toward his restitution obligation.
- 7 3. Based upon the settlement agreement with WFB, defendant's remaining
8 restitution obligation is currently \$251,505.00. See civil pleadings attached hereto as Exhibit A.

9 Title 18, United States Code, Section 3663A requires that the restitution figure imposed
10 by the court deduct "the value of any part of the property that is returned." 18 USC §
11 3663A(b)(1)(B).

12 The undersigned has communicated with Mr. Shetler who has no objection to
13 defendant's restitution obligation being reduced from \$775,368.00 to \$251,505.00.

14 Wherefore, the United States respectfully requesting that the Court amend the Judgment
15 to reduce the restitution figure from \$775,368.00 to \$251,505.00.

16 Respectfully submitted this 24th day of April 2013.

17 DANIEL G. BOGDEN
18 United States Attorney

19 /s/ Brian Pugh
20 Brian Pugh
21 Assistant United States Attorney

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23 It is so ordered this 21st day of June 2013.

24 
25 UNITED STATES DISTRICT JUDGE
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